

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:  
SEARS HOLDINGS  
CORPORATION, et al.,  
Debtors

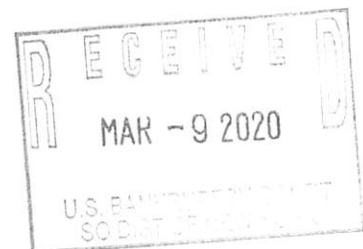
Chapter 11  
Case No. 18-23538 (RDD)

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**MOVANT, THE ESTATE OF BERNARDINO B. PELLEGRINO'S  
MOTION FOR RELIEF FROM AUTOMATIC STAY**

Now comes the movant, the Estate of Bernardino B. Pellegrino ("Pellegrino Estate") by and through its personal representative Donna Pellegrino, and by and through undersigned counsel, and hereby files this Motion for Relief from Automatic Stay pursuant to 11 U.S.C. 362 (A). As grounds for this Motion, the Movant states as follows:

1. Movant is a plaintiff in an underling tort suit, The Estate of Bernardino B. Pellegrino, et al. v. Husqvarna and Kohler et al., the Complaint, yet to be filed, is attached.
2. The Pellegrino Estate alleges in this suit that debtor sold to it a defective riding lawnmower that caught fire and caused Pellegrino to catch fire and burn to the ground, perishing on April 24, 2017.
3. The lawnmower did not have appropriate warning signs as to how to store the lawnmower in the offseason so that gas vapor did not release in the spring so that the ignition caused it to catch fire.
4. The manual to the lawnmower was silent as to outdoor storage saying simply do not cover it in plastic. §The manual should have had conspicuous warning and hazard signs to use appropriate cover.



5. The manual should have instructed alcohol-free gas like leaded gas so as not to release gas vapors that could catch fire and create a serious danger.
6. The Pellegrino Estate has been informed that the Defendants have adequate liability insurance. The Pellegrino Estate has claims for triple damages, they are willing to limit their claim to the base amount of \$2,500,000.00.
7. To the extent that the claim against Debtors is covered by liability insurance, Pellegrino respectfully requests relief from the automatic stay pursuant to 11 U.S.C. §362 to permit the Pellegrino Estate to proceed with the tort lawsuit.

WHEREFORE, the Movant, the Estate of Pellegrino, respectfully requests that this Court enter an order granting relief from the automatic stay, to the extent that the claim against Sears is covered by Liability Insurance.

Respectfully submitted  
THE ESTATE OF  
BERNARDINO B. PELLEGRINO  
By its attorney

*/s/ Simon B. Mann*

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Dated: March 5, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, a true copy of the attached Notice was served via regular mail, postage pre-paid, upon counsel of record as follows:

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Dated: March 5, 2020

*/s/ Simon B. Mann*

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Simon B. Mann